

REMARKS/ARGUMENTS

Claims 1-21 are pending in the instant applications. Claims 1-6, 9-17, 19 and 20 stand rejected under 35 U.S.C. 102 as being anticipated by Szabo et. al (US3,993,065). Claim 1 has been amended to more particularly point out and distinctly claim the invention. Applicant respectfully submits that the amendment does not introduce new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

First, Applicant gratefully acknowledges the indicated allowability of claims 7 and 8.

Claims 1-6, 9-17, 19 and 20 stand rejected under 35 U.S.C. 102 as being anticipated by Szabo et. al (US3,993,065). This rejection is respectfully traversed.

The present invention provides an adapter for a syringe pump used for dispensing the contents of a hand-held syringe. The adapter is configured to be received by the pump as would a hand-held syringe. The adapter itself holds the syringe and provides a means of rotationally agitating the content of the syringe.

Szabo on the other hand discloses a very different type of apparatus, a device that is strapped to a patient and which is adaptable to the shape of a patient's body. The improvement of the apparatus of Szabo, compared to other such devices mountable to a patient, is that it comprises a flexible connecting member (24), working as a link between an injector part and a syringe part. Szabo discloses one apparatus, wherein an injector part, a connecting member part and syringe part are integrated. The connectable member of Szabo, however, does not comprise a syringe driver for rotationally agitating the contents of the syringe as is now claimed by the present invention. The flexible connecting member (24) of Szabo merely comprises a flexible rod (28) slidably coaxially mounted thereon, connected to the piston (18) of the syringe (16) so as to allow longitudinal dispensement from a syringe which is mounted askew to the longitudinal axis of the syringe.

Applicant additionally notes that the Examiner's rejection cites Szabo for having a "dispense rod (17) rotatably mounted to the extension arm". Applicant respectfully directs the Examiner to Column 2, lines 15-18 of Szabo which notes that part no. 17 is actually the dispensing end of the syringe (16). In fact, in contravention of the Examiner's assertion, Szabo provides no teaching that the syringe may be rotated by its adapter or its dispenser. Szabo merely discloses a longitudinal dispense mechanism having an adapter which allows the syringe to be held askew to the longitudinal axis of the dispenser (14).

Examiner holds that the syringe driver (28) of Szabo will provide agitation to the contents of the syringe and holds that the definition of "agitate" according to Merriam-Webster Online Dictionary is "to give motion" and that the driver (28) gives motion to the syringe.

In order to more distinctly claim the present invention, Applicant has amended claim 1 to specify that the adapter provides rotational agitation of the contents of the syringe. Basis for the amendment introduced in amended claim 1 is found in the specification as filed, e.g. on page 7, line 1.

In order to find anticipation under 35 U.S.C. 102, a reference must disclose each and every element of the claimed invention. Clearly, Szabo fails to disclose syringe driver for rotationally agitating the contents of the syringe. The flexible rod of Szabo merely transfers the linear injection movement from the injector part (15) to the piston (18). Szabo provides no means for rotational agitating the contents of the syringe, it simply dispenses the contents in a manner that allows the syringe to be aligned off-center from the linear axis of the injector. Therefore, as Szabo fails to disclose a syringe driver which agitates the contents of a mounted syringe by rotational agitation, Szabo fails to disclose each and every element of the present invention. Furthermore, Szabo fails to even address the problem addressed by the present invention and fails to disclose, teach, or suggest a device for rotationally agitating the contents of a syringe. Applicant respectfully submits that the present invention is patentably

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distinct over the cited reference. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the amendments and remarks, hereinabove, Applicant respectfully submits that the instant application, including claims 1-17 and 19-20 enclosed herewith, is patentably distinct over the prior art. Favorable action thereon is respectfully requested.

Any questions with respect to the foregoing may be directed to Applicant's undersigned counsel at the telephone number listed below.

Respectfully submitted,

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